

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:22-CR-333-O

MARCEL MALLORY (04)

FACTUAL RESUME

SUPERSEDING INFORMATION:

Count One: Conspiracy to Possess with Intent to Distribute a Controlled Substance (methamphetamine) (in violation of 21 U.S.C. § 846, and 21 U.S.C. §§ 841(a)(1) and (b)(1)(B))

PENALTY: \$5,000,000 fine - not less than 5 years imprisonment and not more than 40 years imprisonment, or both such fine and imprisonment, plus a term of supervised release of not less than 4 years.

MAXIMUM PENALTY:

\$5,000,000 fine and not less than five (5) years nor more than forty (40) years imprisonment, plus a term of supervised release of not less than 4 years. If the defendant violates any condition of supervised release, the Court may revoke such term of supervised release and require the defendant to serve an additional period of confinement. Further the Court must impose a Mandatory Special Assessment of \$100.00.

ELEMENTS OF THE OFFENSE:

The essential elements which must be proved beyond a reasonable doubt in order to establish the offenses charged in Count One of the Superseding Information are as follows:

First: That two or more persons, directly or indirectly, reached an agreement to distribute or possess with intent to distribute a controlled substance, as charged in the information;

Second: That the defendant knew of the unlawful purpose of the agreement;

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;

Fourth: That the overall scope of the conspiracy involved at least 50 grams of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance; and

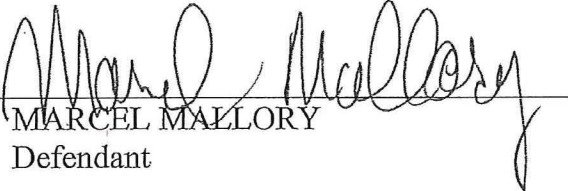
Fifth: That the defendant knew or reasonably should have known that the scope of the conspiracy involved at least 50 grams of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

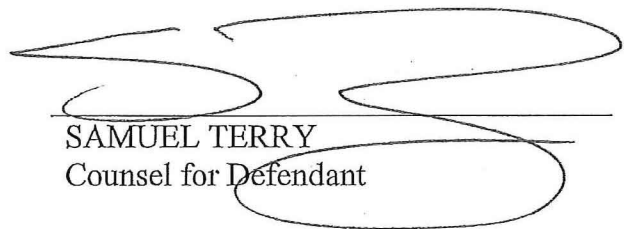
STIPULATED FACTS:

*MM*  
*ERT* From December 2021 through Oct. 2022,

*MM*  
*EFI* In ~~2021 and 2022~~, Marcel Mallory received methamphetamine from others, sometimes on consignment. In turn, Marcel Mallory distributed methamphetamine to others, ~~returning to his source of supply for more methamphetamine.~~ In this manner, Marcel Mallory conspired with others to possess with intent to distribute more than 50 grams of methamphetamine.

SIGNED this 7<sup>th</sup> day of December, 2022.

  
MARCEL MALLORY  
Defendant

  
SAMUEL TERRY  
Counsel for Defendant